

Notice of Allowability

Application No.

10/664,023

Applicant(s)

ACHARYA, TINKU

Examiner

Gregory V. Madden

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendment after non-final filed 4/24/2007.
2. ☒ The allowed claim(s) is/are 2-24, 26-45, and 71-75 (formally renumbered 1-48).
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material

5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

N. Vu

NGOC-YEN VU
SUPERVISORY PATENT EXAMINER

REASONS FOR ALLOWANCE

Response to Amendment

The amendment after non-final office action filed April 24, 2007 has been entered and made of record. In reply to the non-final office action of March 19, 2007, the Applicant has amended claims 2, 3, 5, 10, 15, 20, 26, 31, 36, 41, and 71-75. The Applicant has also canceled claims 1, 46-70, and 76-100.

It is further noted that claims 5-24, 26-45, 50-69, 72-75, 77-80, and 85-104 were previously objected to by the Examiner as being dependent upon a rejected base claim, but would be allowable if rewritten in independent for including all of the limitations of the base claim and any intervening claims. As the Applicant has now amended claims 5, 10, 15, 20, 26, 31, 36, 41, and 71-75 to include the limitations of the rejected base claims, the above claims are considered to be allowable over the prior art.

As for the claim objections to claims 20, 41, 65, 75, 80, and 100, the Examiner notes that the Applicant has amended or canceled the claims to overcome the previous objections, and thus the objections are withdrawn.

Finally, in regard to the double patenting rejection to claims 1-4, 25, 46-49, 70, and 71, the Applicant has sufficiently amended or canceled the claims to overcome the provisional double patenting rejection in view of copending application number 10/376,156, and therefore the double patenting rejection of the previous office action is withdrawn.

Allowable Subject Matter

Claims 2-45 and 71-75 are allowed.

The following is an examiner's statement of reasons for allowance:

In regard to claims 5, 10, 15, 20, 26, 31, 36, 41, and 71-75, the prior art fails to teach or suggest the specific claimed predetermined pixel patterns containing red, green, blue, and infrared intensity

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information. The pixel patterns taught by the prior art also fail to suggest a motivation to form the predetermined pixel patterns of the above claims.

As for claims 2-4, 6-9, 11-14, 16-19, 21-24, 27-30, 32-35, 37-40, and 42-45, these claims are dependent on claims 5, 10, 15, 20, 26, 31, 36, and 41, which are considered to be allowable over the prior art, as discussed above. Thus, dependent claims 2-4, 6-9, 11-14, 16-19, 21-24, 27-30, 32-35, 37-40, and 42-45 are also considered to be allowable over the prior art.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gregory V. Madden whose telephone number is 571-272-8128. The examiner can normally be reached on Mon.-Fri. 8AM-5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ngoc Yen Vu can be reached on 571-272-7320. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Gregory Madden
May 2, 2007



NGOC-YEN VU
SUPERVISORY PATENT EXAMINER